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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,996	03/24/2005	Akihiro Fukasawa	2257-0251PUS1	8788
2292 7590 07/21/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
CHEN, TIANJIE				
ART UNIT		PAPER NUMBER		
2627				
NOTIFICATION DATE		DELIVERY MODE		
07/21/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/528,996

**Applicant(s)**

FUKASAWA, AKIHIRO

**Examiner**

Tianjie Chen

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 16-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

***Final Rejection***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ariyoshi et al (GB 2 347 263 A).

Claim 14, Ariyoshi et al shows an optical disk device capable of storing and ejecting an optical disk for recording or reproducing a signal on the optical disk stored therein, including:

a turntable 5 (Fig. 2) for rotatably supporting the optical disk stored;

a rotatable drive source mechanism 3 for rotatably driving the turntable;

a turntable raising/lowering mechanism 30 + 62 and etc. (Figs. 6, 7, and 25) for vertically moving the turntable between a lowered position (Fig. 7) in which interference with the optical disk stored or ejected is avoided and a raised position (Fig. 6) in which the optical disk stored is supportable;

an optical pickup 6 (Fig. 2) for recording a signal on the optical disk supported by the turntable or reproducing a signal;

a pickup drive mechanism 4+52+40 (Figs. 2 and 9) for reciprocally moving the optical pickup between an inner region and an outer region of the optical disk supported by the turntable;

a dual-purpose drive source mechanism 4 (Figs. 2 and 9) for generating a driving force for the turntable raising/lowering mechanism and the pickup drive mechanism; and

a first operation switching mechanism 20+71 (Fig. 14) for performing a first switching operation for switching a transmission path of the driving force of the dual-purpose drive source mechanism from a

path leading to the pickup drive mechanism to a path leading to the turntable raising/lowering mechanism, or vice versa,

wherein the first operation switching mechanism performs the first switching operation by an operation independent of the optical pickup under the driving force of the dual-purpose drive source mechanism (p.33 line 20 to p.34, line 20).

Claim 15, Ariyoshi further shows that the dual-purpose drive source mechanism includes

a dual-purpose motor 4 ,

and a power transmission mechanism including a gear element (Fig. 9) rotating under a rotatable driving force of the dual-purpose motor;

wherein the pickup drive mechanism includes a rack portion 41 (Fig. 9) provided integrally with the optical pickup for moving the optical pickup under the rotatable driving force of the dual-purpose motor through the gear element; and

wherein the first operation switching mechanism includes a slide rack 73 (Fig. 14; p. 33, lines 19-35) movable under the rotatable driving force of the dual-purpose motor through the gear element, with the rack portion having moved to a position in which the transmission path of the driving force from at least the gear element is interrupted, and performs the first switching operation by moving the slide rack, with the optical pickup placed in a fixed position.

#### *Allowable Subject Matter*

2. Claims 16-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- With regard to claim 16, Ariyoshi et al shows an optical disk device as recited in claims 14 and 15 and further shows:

a main chassis 10;

a disk tray movable 55 to extend out of and retract into the main chassis for storing and ejecting the optical disk; and

a traverse chassis 20 (Fig. 7) having a pivotal displacement side end portion on one end side thereof and a pivot axis side end portion on the other end side thereof, the pivot axis side end portion being pivotably mounted to the main chassis so that the pivotal displacement side end portion is movable toward and away from the main chassis, the turntable 5 being moved to the raised position by moving the pivotal displacement side end portion toward the main chassis, the turntable 5 being moved to the lowered position by moving the pivotal displacement side end portion away from the main chassis,

wherein the turntable, the rotatable drive source mechanism, the optical pickup, the dual-purpose drive source mechanism and the first operation switching mechanism are provided on the traverse chassis (Fig. 7),

wherein the first operation switching mechanism further includes a trigger plate 71 (Fig. 14) moving in accordance with the movement of the slide rack,

wherein the turntable raising/lowering mechanism includes a driven boss 20P (Figs. 6 and 7) provided on the pivotal displacement side end portion of the traverse chassis 20, and a **pivoting** member 30 having a cam groove 33 (Fig. 25) engageable with the driven boss and provided on the main chassis movably in accordance with the movement of the trigger plate; **but fails to show** and a **slider** member having a cam groove engageable with the driven boss and provided on the main chassis movably in accordance with the movement of the trigger plate.

- Applicant asserts; the present invention provides “an optical disk device capable of avoiding interference between an optical pickup and a rotatable drive source for rotatably driving the optical disk and capable of performing a pickup feed operation and a turntable raising/lowering operation by using the same drive source (Specification. p. 4).

***Response to Arguments***

3. Applicant's arguments filed 04/16/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/

Primary Examiner, Art Unit 2627